

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
~~NORTHERN~~ DIVISION
Eastern

RECEIVED

2007 JUN -6 P 2:25

DOROTHY WALKER,

Plaintiff,

v.

JOHN HUGGINS and HARBORLITE
CORPORATION,

Defendant.

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CASE NO. 3:07CV503 - MEF

SERRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

NOTICE OF REMOVAL

Defendants, John Huggins and Harborlite Corporation (hereinafter referred to as "Harborlite"), give notice of the removal of the above-styled action from the Circuit Court of Macon County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division. As grounds for removal, the Defendant avers the following:

1. On or about May 3, 2007, the above-styled action was commenced against the Defendants in the Circuit Court of Macon County, Alabama.
2. A copy of the Summons and Complaint was served on Harborlite on May 15, 2007, and John Huggins on May 9, 2007. A complete copy of the court file from the Circuit Court of Macon County, Alabama is attached hereto as Exhibit A.
3. Other than the filing of the Complaint, no further proceedings have taken place in state court as to this matter.
4. This action is subject to removal on the basis of diversity of citizenship in that the Plaintiff is a resident and citizen of Montgomery County, Alabama; Defendant Huggins is a resident of Bainbridge, Georgia; and Defendant Harborlite is a corporation with its principal place


of business in Quincy, Florida.

6. This petition is filed with this Court within 30 days of service of process on the Defendants.

7. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1332, and since Defendants are not resident citizens of the State of Alabama, wherein the above-entitled action is pending, removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441(a).

8. Notice of the Defendants' removal of the above-styled action has been given to the Clerk of the Circuit Court of Macon County, Alabama, and to counsel for the Plaintiff, as required by 28 U.S.C. § 1446(d). See Exhibit B attached hereto.

WHEREFORE, the Defendants have removed this action from the Circuit Court of Macon County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division.

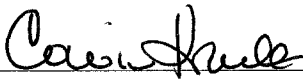

COWIN KNOWLES KNO007
Attorney for Defendants
Harborlite Corporation and John Huggins

OF COUNSEL:

BALL, BALL, MATTHEWS & NOVAK, P.A.
P. O. Box 2148
Montgomery, AL 36102-2148
Telephone: (334) 387-7680
Telefax: (334) 387-3222

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following by placing same in the U.S. Mail, postage prepaid and properly addressed this 6 day of June, 2007.


OF COUNSEL

Brian P. Strength, Esq.
Cochran, Cherry, Givens & Smith, P.C.
P.O. Box 830419
Tuskegee, AL 36083

State of Alabama
Unified Judicial System

SUMMONS - CIVIL

Case Number
CV-07-49
ID YR#

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

Plaintiff(s) Dorothy Walker V. Defendant(s) John Huggins, et al

NOTICE TO: John Huggins, 1103 Douglas Drive, Bainbridge, GA 31717

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO MAIL OR HAND-DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT TO THE PLAINTIFFS' ATTORNEY BRIAN P. STRENGTH WHOSE ADDRESS IS POST OFFICE BOX 830419, TUSKEGEE, ALABAMA 36083. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT OF DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

To any Sheriff or any person authorized by either rules 4.1(b) (2) or 4.2(b) (2) or 4.4 (b)(2) of the Alabama Rules of Civil Procedure: You are hereby commanded to serve this summons and a copy of the complaint in this action upon defendant.

- X This service is by certified mail of this summons and is initiated upon the written request of Plaintiff(s) pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

4-27-07
Date

David Love Jr.
Clerk/Register

By: _____

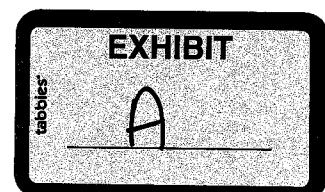
RETURN OF SERVICE:

- ☐ Certified Mail return receipt received in this office on (Date) _____ (Return receipt hereto attached).

- ☐ I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____ County, Alabama, on (Date) _____.

Date
Address of Server: _____

Server's Signature
Type of Server: _____



State of Alabama
Unified Judicial System

SUMMONS - CIVIL

Case Number

CV-
ID# YR

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

Plaintiff(s) Dorothy Walker V. Defendant(s) John Huggins, et al

NOTICE TO: Harborlite Corporation, 612 South Shelfer Street, Quincy, FL 32351

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO MAIL OR HAND-DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT TO THE PLAINTIFFS' ATTORNEY BRIAN P. STRENGTH WHOSE ADDRESS IS POST OFFICE BOX 830419, TUSKEGEE, ALABAMA 36083. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT OF DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

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- ☐ Certified Mail return receipt received in this office on (Date) _____ (Return receipt hereto attached).

- ☐ I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____ County, Alabama, on (Date) _____.

Date
Address of Server: _____

Server's Signature
Type of Server: _____

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

Dorothy Walker,

Plaintiffs,

vs.

John Huggins; Harborlite
Corporation; and
Fictitious Defendants "A," "B," and
"C," persons, corporations, firms or
other entities whose wrongful conduct
caused the injuries and damages to
the Plaintiffs, all of whose true and
correct names are unknown to the
Plaintiffs at this time, but will be
added by amendment when
ascertained,

Defendants,

CIVIL ACTION NO.: CV-07-49

ORIGINAL

FILED IN
CIRCUIT CLERKS OFFICE
MACON COUNTY, AL
2007 APR 27 A 4:07
DAVID LOVE
CIRCUIT CLERK

COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff, Dorothy Walker, is over the age of majority and is a resident citizen in Pike Road, Alabama.
2. Defendant, John Huggins, is over the age of majority and is a resident citizen of Bainbridge, Georgia. At all times, Higgins was acting as the agent for Harborlite Corporation, and was acting in the line and scope of his employment.
3. Fictitious Defendants "A", "B", and "C", whether singular or plural, are those other persons, firms, corporations, or other entities whose wrongful conduct caused or contributed to the cause of the injuries and damages to the Plaintiffs, all of whose true and correct names are unknown to the Plaintiffs at this time, but will be substituted by amendment when ascertained.

FACTS

4. On or about April 29, 2005, Huggins acted in such negligent and/or wanton manner when he caused the vehicle he was driving to collide with the vehicle in which Plaintiff was driving

causing Plaintiff to suffer and sustain injuries and damages. The Defendant failed to yield the right of way to the vehicle in which Plaintiff was driving.

COUNT I

5. Plaintiff re-alleges and incorporates the allegations in paragraphs 1-4 as if fully set forth herein.
6. As a proximate consequence of the Defendant's said negligence and/or wantonness, Plaintiff was caused to suffer the following injuries and damages:
 - a) Medical Bills and other financial losses;
 - b) Pain and suffering; and,
 - c) Mental anguish and emotional distress.

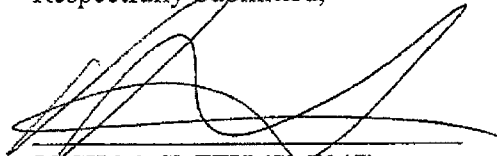
WHEREFORE, premises considered, Plaintiff prays for a judgment for compensatory and punitive damages not to exceed \$75,000, exclusive of interest and costs. The total amount sought by Plaintiff in this lawsuit, cumulative of all counts in the complaint, is not to exceed \$75,000 exclusive of interest and costs.

COUNT II

7. Plaintiff re-alleges and re-adopts by reference each of the foregoing paragraphs as if fully set forth herein.
8. Fictitious Defendants "A", "B", and "C", are also liable under the foregoing counts and theories.
9. As a direct and proximate consequence of the negligence and/or wantonness, Plaintiff was injured and damaged as alleged in the above paragraphs.

WHEREFORE, premises considered, each Plaintiff prays separately for a judgment for compensatory and punitive damages not to exceed \$75,000 each, exclusive of interest and costs. The total amount sought by each Plaintiff in this lawsuit, cumulative of all counts in the complaint, is not to exceed \$75,000 exclusive of interest and costs.

Respectfully Submitted,



JOCK M. SMITH (SMI047)
BRIAN P. STRENGTH (STR052)
VALERIE R. RUSSELL (RUS038)
Attorneys for Plaintiffs

OF COUNSEL:

COCHRAN, CHERRY, GIVENS & SMITH, P.C.

306 North Main Street
P. O. Box 830419
Tuskegee, Alabama 36083
(334) 727-0060
(334) 727-7197-fax

NOTE: This lawsuit is brought in its entirety only on the basis of state law claims. The total amount sought by each Plaintiff in this lawsuit, cumulative of all counts in the complaint, is not to exceed \$75,000 exclusive of interest and costs.

State of Alabama Unified Judicial System Form ARCivP-93 Rev. 5/99		COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)		Number CV 2007 0049 . . . Date of Filing: Judge Code: 04 27 2007 XXX . . . Month Day Year							
GENERAL INFORMATION											
IN THE CIRCUIT COURT OF _____ MACON COUNTY _____, ALABAMA (Name of County)											
_____ Dorothy Walker _____ Plaintiff		_____ John Huggins, et al. _____ Defendant									
First Plaintiff <input type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		First Defendant <input type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other									
NATURE OF SUIT: Select primary cause of action, by checking box (<i>check only one</i>) that best characterizes your action:											
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice - Medical <input type="checkbox"/> TOLM - Malpractice - Legal <input type="checkbox"/> TOOM - Malpractice - Other <input type="checkbox"/> TOFR - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____ TORTS: PROPERTY INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services			OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale for Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Wills/Trusts/Estates/Guardianships <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case								
ORIGIN (<i>check one</i>): F <input checked="" type="checkbox"/> INITIAL FILING A <input type="checkbox"/> APPEAL FROM DISTRICT COURT O <input type="checkbox"/> OTHER: _____ R <input type="checkbox"/> REMANDED T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT											
HAS JURY TRIAL BEEN DEMANDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)											
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED											
ATTORNEY CODE: <u>4-27-07</u> <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td>S</td><td>T</td><td>R</td><td>0</td><td>5</td><td>2</td></tr></table> Date: _____ Signature of Attorney/Party filing this form: _____						S	T	R	0	5	2
S	T	R	0	5	2						
MEDIATION REQUESTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED											

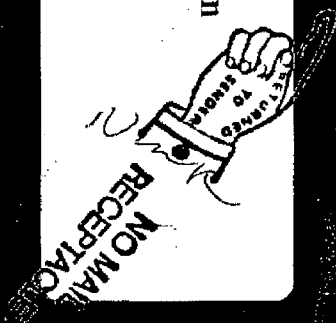
Macon Co. Circuit Clerk
101 E. Northside St.
Tuskegee, AL 36083

CERTIFIED MAIL™



7005 1160 0002 7979 0703

Harbolite Corporation
612 South Shelfer St.
Quincy, FL 32351



I, **David R. Love, Jr.**, Clerk of Macon County Circuit Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court. Witness my hand this 5 day of June, 2007
David R. Love, Jr.
 Clerk, Macon County Circuit Court

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>John Huggins 1103 Douglas Dr. Bainbridge, GA 31717</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u> </u> C. Date of Delivery <u>5-9-07</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: <u> </u> <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label) <u>7005 1160 0002 7779 0697</u></p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102585-02-M-1540</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

IN THE CIRCUIT COURT FOR
MACON COUNTY, ALABAMA

RECEIVED

DOROTHY WALKER,

Plaintiff,

v.

JOHN HUGGINS and HARBORLITE
CORPORATION,

Defendant.

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2007 JUN -6 P 2:25

DEBRA P. HACKETT CLK
CLERK OF COURT
MACON COUNTY, ALABAMA

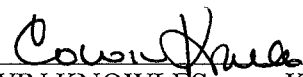
CIVIL ACTION NO. CV-07-49

**NOTICE TO STATE COURT OF
REMOVAL OF ACTION TO FEDERAL COURT**

To: Hon. David Love, Jr.
Macon County Circuit Clerk
P.O. Box 830723
Tuskegee, AL 36083

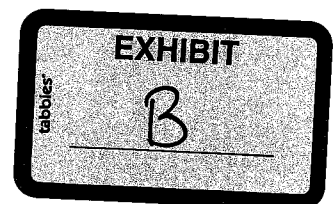
Please take notice that Defendants have this date filed a Notice of Removal, a copy of which is attached hereto, in the Office of the Clerk of the United States District Court for the Middle District of Alabama, Northern Division.

DATED this 6 day of June, 2007.


COWIN KNOWLES KNO007
Attorney for Defendants
Harborlite Corporation and John Huggins

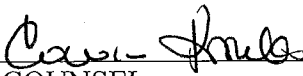
OF COUNSEL:

BALL, BALL, MATTHEWS & NOVAK, P.A.
P. O. Box 2148
Montgomery, AL 36102-2148
Telephone: (334) 387-7680
Telefax: (334) 387-3222



CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following by placing same in the U.S. Mail, postage prepaid and properly addressed this 6 day of June, 2007.


OF COUNSEL

Brian P. Strength, Esq.
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P.O. Box 830419
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